

REMARKS

Claims 10, 14, 18 and 20 stand rejected under 35 U.S.C. § 112, second paragraph for indefiniteness. Claims 10, 11, 14, 18 and 20 stand rejected under 35 U.S.C. § 102(b) for anticipation from the teachings of U.S. Patent Nos. 5,040,659 to Saito et al. and/or 4,934,512 to Lin et al. Claims 17 and 19 stand rejected under 35 U.S.C. § 103(a) for obviousness from the teachings of the Lin et al. or Saito et al. patent in view of U.S. Patent No. 5,117,968 to Rivera. Claims 15 and 16 stand rejected under 35 U.S.C. § 103(a) for obviousness from the teachings of the Saito et al. patent in view of U.S. Patent No. 6,848,805 to Pietz. Lastly, claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) for obviousness from the teachings of the Saito et al. patent in view of U.S. Patent No. 6,564,921 to Gorczyca.

In response to the foregoing rejections, claims 10-20 have been cancelled and replaced by new claims 21-40, wherein claims 21, 34 and 37 are independent claims.

Independent claim 21 recites a guard device for a front end of an escalator handrail. The guard device includes a guide channel formed at the bottom of the guard device with a predetermined depth to receive a part of the handrail positioned in an entry zone of the escalator that resides between the front end of the handrail and the foremost step of the escalator. A sterilization unit is installed in the guard device to sterilize at least part of the handrail of the escalator received in said guide channel. An advertising display unit is provided on a topside of the guard device on a slant to the end of the handrail in the entry zone of the escalator. Lastly, a control unit controls the sterilization and the advertising display unit with electrical power.

The prior art of record in the present application does not disclose, teach or suggest a guard device having all the limitations of claim 21. Specifically, the prior art of record does not disclose, teach or suggest, among other things, an advertising unit provided on a top of a guard device on a slant to an end part of the handrail in the entry zone of an escalator. While the Saito et al. patent discloses an indicating apparatus 9, this indicating apparatus is not positioned and oriented in the manner of the advertising display unit of claim 21. Moreover, there is no disclosure, teaching or suggestion in the Saito et al. patent or the other prior art of record to position and orient the advertising display unit of claim 21 in the manner claimed therein.

Moreover, assuming *arguendo* the prior art of record discloses each limitation of claim 21, there is no suggestion or motivation in the prior art of record to combine them to arrive at the invention of claim 21. It is settled law that “[w]hen a party claims that a combination of references renders . . . [an] invention obvious, the prior art must provide a suggestion or motivation to combine the references. . . . Absent this suggestion or motivation, the mere existence of the individual elements at the

time of invention does not render a patented combination of these elements obvious as a matter of law.”
Remcor Products Co. v. Scotsman Group Inc., 32 USPQ2d 1273, 1278 (N.D. Ill. 1994).

Absent disclosing, teaching or suggesting a guard device having all the limitations of claim 21, the prior art of record, either individually or in combination, cannot anticipate or render obvious claim 21, or claims 22-33 dependent therefrom.

For the reasons discussed above, in connection with claim 21, the prior art of record in the application cannot disclose, teach or suggest a guard device having all the limitations of claim 34, or claims 35 and 36 dependent therefrom.

Independent claim 37 is directed to a guard device for a front end of an escalator handrail. The guard device includes an enclosure defining an interior in which a top part of the handrail and at least part of the front end of the handrail are received. The enclosure has along a bottom thereof an opening disposed such that a bottom of the handrail enters the interior of the enclosure via the opening. A sterilization unit is disposed in the enclosure for sterilizing the handrail as it moves through the enclosure. An advertising display unit is disposed in the enclosure adjacent the front end of the handrail and on a slant to the front end of the handrail. A control unit controls the sterilization unit and the advertising display unit with electric power.

The prior art of record, either individually or in combination, does not disclose, teach or suggest, among other things, a guard device having an enclosure defining an interior in which a part of a top of the handrail and at least part of the front end of a handrail are received. Moreover, the prior art of record does not disclose, teach or suggest an advertising display unit disposed in the enclosure adjacent the front end of the handrail and on a slant to the front end of the handrail. Lastly, the prior art of record does not disclose, teach or suggest a guard device having the combination of limitations set forth in claim 37.

Absent disclosing, teaching or suggesting a guard device having all the limitations of claim 37, the prior art of record, either individually or in combination, cannot anticipate or render obvious claim 37 of the present application, or claims 38-40 dependent therefrom.

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CONCLUSION

Based on the foregoing amendments and remarks, reconsideration of the rejections and allowance of claims 21-40 are requested.

Respectfully submitted,

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